

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litig.*, MDL 2817

This Document Relates To:

THE PUTATIVE VENDOR CLASS
ACTION

MDL No. 2817

Case No. 18-cv-00864

Hon. Rebecca R. Pallmeyer

**STIPULATION AND [PROPOSED] ORDER REGARDING USE OF CERTAIN
DEPOSITIONS IN PUTATIVE VENDOR CLASS ACTION**

Defendant CDK Global, LLC (“CDK”) and Plaintiff Loop, LLC, d/b/a AutoLoop (“AutoLoop”), on behalf of AutoLoop and members of the putative Vendor Class (collectively, the “Parties”), by and through their undersigned counsel, jointly submit this Stipulation and proposed Order regarding the use of certain depositions described below in the putative Vendor Class case.

WHEREAS, CDK and the putative Dealer Class agreed to the depositions of 17 Dealer Class named plaintiffs (“Dealer Class Depositions”);

WHEREAS, the Parties disagreed on the use of the Dealer Class Depositions in the putative Vendor Class case, and the Vendor Class therefore filed a motion to preclude their use in the Vendor Class case (Dkt. 1438);

WHEREAS, on December 14, 2023 (Dkt. 1444), the Court “direct[ed] the parties to proceed initially with just three” of the Dealer Class Depositions, confer after their completion in an effort to resolve any remaining disputes, and then submit a joint status report by mid-January if the Parties could not resolve their remaining disputes;

WHEREAS, the Parties have resolved their remaining disputes;

IT IS HEREBY STIPULATED AND AGREED, by and between CDK and AutoLoop:

1. The Parties stipulate that the deposition testimony of the following four putative Dealer Class representatives may be used for any purpose in the putative Vendor Class case, including at trial, subject to the objections otherwise available under the Federal Rules of Evidence:

- Waconia Dodge, Inc. (“Waconia Dodge”);
- Jim Marsh American Corporation (“Jim Marsh”);
- Henry Brown Buick GMC LLC d/b/a Henry Brown Buick GMC (“Henry Brown Buick”); and
- Tony Automotive Group LLC d/b/a Tony Volkswagen, Tony Hyundai, Genesis of Waipio, Tony Hyundai Honolulu; (2) Tony Hawaii Hilo LLC d/b/a Tony Honda Hilo; (3) Tony Hawaii Kona LLC d/b/a Tony Honda Kona; and (4) Tony Hawaii LLC d/b/a Tony Honda (collectively, “Tony Group”).

2. The Parties stipulate that the remainder of the Dealer Class Depositions taken subsequent to the Court’s December 14, 2023 Minute Entry (Dkt. 1444) may not be used for any purpose in the putative Vendor Class case, whether at class certification, at trial, or otherwise.

3. This stipulation applies only to the Dealer Class Depositions taken subsequent to the Court’s December 14, 2023 Minute Entry (Dkt. 144), and does not impact the use of any other depositions taken in this MDL.

4. Through the foregoing stipulation, the Parties have resolved their disagreements regarding the use of the Dealer Class Depositions taken subsequent to the Court’s December 14, 2023 Minute Entry in the putative Vendor Class case. Having resolved this dispute, the Parties do

not intend to submit a joint status report or otherwise seek further court intervention on this issue before proceeding with the remaining Dealer Class Depositions, as initially contemplated in the Court's December 14, 2023 Minute Entry (Dkt. 1444). It is therefore stipulated and agreed that the remaining Dealer Class Depositions will proceed without further Court intervention regarding their use in the putative Vendor Class case.

SO ORDERED:

DATED: _____, 2024

Hon. Rebecca R. Pallmeyer
UNITED STATES DISTRICT COURT JUDGE

STIPULATED AND AGREED:

Dated: January 9, 2024

/s/ Derek T. Ho

Derek T. Ho

Michael N. Nemelka

KELLOGG, HANSEN, TODD, FIGEL
& FREDERICK, P.L.L.C.

1615 M Street, N.W., Suite 400

Washington, D.C. 20036

dho@kellogghansen.com

mnemelka@kellogghansen.com

*Counsel for Plaintiff Loop, LLC,
d/b/a AutoLoop*

/s/ Mark Filip, P.C.

Mark Filip, P.C.

Kevin M. Jonke

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, IL 60654

Tel: (312) 862-2000

mark.filip@kirkland.com

kevin.jonke@kirkland.com

Craig S. Primis, P.C.

Katherine Katz, P.C.

1301 Pennsylvania Ave., NW

Washington, D.C. 20004

Tel: (202) 389-5000

craig.primis@kirkland.com

katherine.katz@kirkland.com

Counsel for Defendant CDK Global, LLC

CERTIFICATE OF SERVICE

I, Mark Filip, an attorney, hereby certify that on January 9, 2024, I caused a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER REGARDING USE OF CERTAIN DEPOSITIONS IN PUTATIVE VENDOR CLASS ACTION** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by email to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

/s/ Mark Filip, P.C.
Mark Filip, P.C.